

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMES HOMES,

Defendant-Appellant.

UNPUBLISHED

June 19, 2014

No. 315988

Wayne Circuit Court

LC No. 12-006664-FC

Before: O'CONNELL, P.J., and FITZGERALD and MARKEY, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of first-degree criminal sexual conduct, MCL 750.520b(1)(a). The trial court sentenced him to a prison term of 27 to 60 months. Defendant appeals his sentence as of right. We remand for correction of the judgment of sentence to reflect 283 days of jail credit.

At sentencing, the trial court granted defendant 252 days of jail credit in accordance with MCL 769.11b, consistent with the uncontested information in the presentence report. However, the original judgment of sentence neglected to include the jail credit. The prosecution concedes that defendant is entitled to an award of sentence credit, and further asserts that the correct award should actually be 283 days, because the original 252-day calculation did not reflect additional time that defendant was incarcerated between the time the presentence report was prepared and the date of sentencing. We note that the record contains two amended judgments of sentence, one dated November 8, 2013, and the other dated November 11, 2013, both of which contain an award of 252 days of sentence credit. However, because the prosecution agrees that the correct amount should be 283 days of credit, we remand for issuance of another amended judgment of sentence that reflects 283 days of jail credit. The trial court shall forward a copy of the amended judgment of sentence to the Department of Corrections.

Remanded for correction of the judgment of sentence in accordance with this opinion. We do not retain jurisdiction.

/s/ Peter D. O'Connell
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey